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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. 3:20-MJ-70456-MAG
)	
Plaintiff,)	
)	STIPULATION AND REQUEST TO CONTINUE
v.)	STATUS CONFERENCE/PRELIMINARY
)	HEARING, AND EXCLUDE TIME UNDER THE
RAJNISH SHOKEEN,)	SPEEDY TRIAL ACT FROM DECEMBER 1, 2020
)	TO JANUARY 20, 2021 AND [PROPOSED]
)	ORDER
Defendant.)	

The United States charged Rajnish Shokeen via criminal complaint with violations of 26 U.S.C. § 7206(1) – Filing False Tax Return and 26 U.S.C. § 7206(2) - Aiding and Advising False Tax Returns. On June 16, 2020, Mr. Shokeen was arraigned on the criminal complaint and set a preliminary hearing for August 11, 2020 at 10:30 a.m. before the Honorable Thomas S. Hixson. The parties filed a stipulation and proposed order excluding time under the Speedy Trial Act and entering a waiver under Rule 5.1(d) of the Federal Rules of Criminal Procedure until August 11, 2020. The United States and counsel for the defense have concurrently filed a stipulation and protective order to facilitate the release of discovery in this case. Pursuant to stipulation, the parties agreed (and the Court subsequently

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ordered) that the August 11, 2020 status conference and preliminary hearing in the instant matter be continued to October 13, 2020, and again continued to December 1, 2020, and that Rule 5.1(d)'s preliminary hearing deadlines be extended and Speedy Trial Act time be excluded for the reasons stated in the stipulations.

Counsel for the United States and counsel for Mr. Shokeen now jointly stipulate and request to continue the December 1, 2020 status conference and preliminary hearing in the instant matter until January 20, 2021, or to a subsequent date deemed appropriate by the Court. The requested continuance is necessary to afford defense counsel time to review the discovery in the case.

The parties further stipulate and request that, under the Speedy Trial Act, the Court exclude the time from December 1, 2020 to the new date of the next status conference to allow for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding time from December 1, 2020 to the date of the next status conference from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). Given the need to review the discovery in the case (and evaluate that discovery in the context of a plea offer extended by the government), counsel for Mr. Shokeen represents that good cause also exists for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and hereby consents on behalf of Mr. Shokeen to the requested continuance, to the extensions of time for the preliminary hearing and for the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b). Counsel for the United States likewise consents to the extensions and joins in the requests.

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for the defendants to file this stipulation and proposed order.

IT IS SO STIPULATED.

DAVID L. ANDERSON
United States Attorney

Dated: 11/25/2020

/s/
CHRISTOFFER LEE
Assistant United States Attorney

/s/

JAY WEILL

Counsel for Defendant Rajnish Shokeen

~~PROPOSED~~ ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time from December 1, 2020 until January 20, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from December 1, 2020 until January 20, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, with the consent of the defendants, and taking into account the public interest in the prompt disposition of criminal cases, based on the parties' showing of good cause, the Court finds good cause exists for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). See Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

With the consent of the parties, IT IS HEREBY ORDERED that the time from December 1, 2020 until January 20, 2021 shall be excluded from computation under the Speedy Trial Act (18 U.S.C. § 3161(h)(7)(A), (B)(iv); 18 U.S.C. § 3161(b)) and the time limits for conducting a preliminary hearing are extended under Rule 5.1(d) of the Federal Rules of Criminal Procedure. The date for status and preliminary hearing in the case is reset from December 1, 2020 to January 20, 2021, at 10:30 a.m.

IT IS SO ORDERED.

DATED: 11/25/2020



HON. LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

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